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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,551	02/21/2004	Earle West	1231	7763
24383	7590	02/25/2008		
ALLAN JACOBSON INTELLECTUAL PROPERTY LAW TYLER STATE PARK 24 ONE LANE TRAIL RICHBORO, PA 18954-1738			EXAMINER WINTER, JOHN M	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 02/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,551

Applicant(s)

WEST, EARLE

Examiner

JOHN M. WINTER

Art Unit

3621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 and 16-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 and 16-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Acknowledgements

The Applicants amendment filed on November 30, 2007 is hereby acknowledged.
Claims 6-10 and 16-40 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10 and 16-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cusack et al (US Patent Application Publication 2004/0128199) in view of Su et al (US Patent 7,032,110).

As per claim 6,

Cusack et al ('199) discloses a remote appliance for coupling a data collection device to a central server, said data collection device storing a data file, said central server being coupled to the Internet, said remote appliance comprising:

a memory, said memory storing a first polling schedule, a second polling schedule a port coupled to said data collection device, said remote appliance polling said data collection device

through said port according to said first polling schedule, said remote appliance receiving said data file through said port;(Figure 1B, paragraph 33,)

said memory further storing a copy of said data file in said remote appliance in accordance with said first polling schedule;(paragraph 33)

an Internet connection coupling said remote appliance to the Internet, (Figure 1B)

remote appliance adapted to transfer said data file stored on said remote appliance to said central server. (Paragraph 30)

Cusack et al ('199) does not specifically disclose encryption key; remote appliance adapted to send a message based on said encryption key to said central server over the Internet for identifying said remote appliance to said central server; ; Su et al. ('110) discloses encryption key; remote appliance adapted to send a message based on said encryption key to said central server over the Internet for identifying said remote appliance to said central server (Figures 3A, 3B and 3C), it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Su et al.('110) reference in view of Cusack et al ('199) in order to increase the security of the system by adding additional logon parameters.

Cusack et al ('199) discloses the claimed invention except for “remote appliance connecting to the Internet in accordance with said second polling schedule“,It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second IC card, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 16, 21, 26, 31 and 36 are in parallel with claim 6 and are rejected for at least the same reasons.

As per claim 7,

Cusack et al ('199) discloses the an apparatus in accordance with claim 6,
wherein said system further comprises: an accounting server, said accounting server connecting to the Internet for transferring said data file stored on said central server to said accounting server, whereby said accounting server has access to data collected at said data collection device. (Paragraph 30)

Claims 17, 22, 27, 32 and 37 are in parallel with claim 7 and are rejected for at least the same reasons.

As per claim 8,

Cusack et al ('199) discloses the an apparatus in accordance with claim 6,
where data collection device is a point of sale terminal.(Paragraph 27 and paragraph 33)
Claims 18, 23, 28, 33 and 38 are in parallel with claim 8 and are rejected for at least the same reasons.

As per claim 9,

Cusack et al ('199) discloses the an apparatus in accordance with claim 6,

where data collection device is a vending machine.(Paragraph 27)

Claims 19, 24, 29, 34 and 39 are in parallel with claim 9 and are rejected for at least the same reasons.

As per claim 10,

Cusack et al ('199) discloses the an apparatus in accordance with claim 6,

where data collection device is an employee time clock. (Paragraph 27 and paragraph 41)

Claims 20, 25, 30, 35 and 40 are in parallel with claim 10 and are rejected for at least the same reasons.

Response to Arguments

In response to Applicant's argument that the prior art record fails to teach "where each POS terminal is polled according to a respective first schedule and the central server is polled according to a respective second schedule that selectively connects to the Internet", Applicant misinterprets the principle that claims are interpreted in the light of the specification. Although these elements are found as examples or embodiments in the specification, they were not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require these limitations. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms. The Examiner interprets the prior art reference as analogous to the claimed invention; store1 and store2 as disclosed by figure 1B of the Cusack et al reference show two separate entities with two separate polling schedule, furthermore it is clear that at least the POS system of store1 is connected to a central server via Internet.

The Applicant states that

In contrast, Cusack et al. has only the one central server connected to the Internet for all the POS terminals. All the data from the POS terminals shown by Cusack et al. is collected at, and remains at, the same network node where the central server 152 is located.

The Examiner responds that although Cusack et al. fails to disclose a secondary accounting server the claimed invention is not patentably distinct from the invention disclosed by the prior art record, since the Applicant merely claims a transfer of data without any further rationale for why this represents an innovation in the field of art. The Examiner concludes that it would have been obvious to any person of basic skill in that art at the time of the invention that financial processed could be distributed or consolidated across a network without altering the end result.

The Applicant states that Cusack et al. does not show or suggest the creation of two independent POS data collection networks for two other parties. The Examiner responds that It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second independent POS data collection networks, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *See Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3621

John Winter

Patent Examiner -- 3621

/ANDREW J. FISCHER/

Supervisory Patent Examiner, Art Unit 3621